

the order for collocation. Verizon PA explained that such a trial would require substantial modifications to its current ordering systems because the ordering systems usually require an end termination point before dark fiber can be assigned to a carrier.

On June 6, 2001, both parties executed a contract to enter into a trial agreement for the parallel provisioning of collocation arrangements and unbundled dark fibers, which became effective May 14, 2001. Verizon PA and Cavalier agreed to execute a proposed interconnection agreement amendment covering the Trial Agreement and submit the amendment to the PAPUC for approval. Additionally, both parties agreed to update the PAPUC on the status of the trial within 90 days. If the trial is successful, Verizon PA and Cavalier will further amend their current interconnection agreement so as to reflect the new ordering process. In the alternative, Verizon PA will file a tariff, reflecting such new dark fiber ordering procedures within 120 days of the Stipulation.

Further, we have concluded the proceeding at Docket No. R-00005261, which established additional terms and conditions on the provisioning of dark fiber by Verizon PA, such as placing dark fiber in Tariff No. 216.³⁵⁵

Additionally, we are in agreement with Verizon PA concerning XO's comments and, therefore, can not accept the assertion that Verizon PA's provisioning of DS-1 UNE is untimely and unreliable. The FCC has consistently stated that the provision of special access should not be considered for purposes of determining checklist compliance in a 271 proceeding.³⁵⁶

There is no dispute that the updated performance data in the C2C reports would appear to depict that there are problems with Verizon PA's provisioning of interoffice

³⁵⁵ Further Pricing of Verizon PA UNEs Docket Nos. R-00005261 et al., (Order entered June 8, 2001).

³⁵⁶ BA NY 271 Order at ¶¶ 340-41; SWBT Texas Order at ¶¶ 334-35; Verizon MA 271 Order at ¶ 211.

facilities to CLECs on a nondiscriminatory basis.³⁵⁷ A review of the relevant performance metrics depict a significant difference in the provisioning of interoffice facilities for CLECs compared to the retail analog; however, we place little weight on this performance disparity.

According to Verizon PA, there are problems inherent in the comparison between UNE-IOF and the Verizon PA retail compare group as presently reported. Verizon PA states that the current retail compare group for UNE-IOF, which consists of all non-UNE special services, is an “apple to oranges” comparison for determining its provisioning of interoffice transport. We take notice that the New York carrier-to-carrier working group has previously developed a revised retail analog for interoffice transport using the provisioning of retail DS-3 instead of retail special services. Verizon PA indicated that it would request a formal change to this compare group through the appropriate PAPUC procedures so as to reflect the appropriate comparison for interoffice transport.

Verizon PA explains that this compare group is a more accurate comparison or measurement of its provisioning of interoffice transport because the unbundled interoffice facilities Verizon PA provides to CLECs are predominantly at the DS-3 level, rather than voice grade level. We also take notice that the New York PSC and the Massachusetts DTE adopted the carrier-to-carrier working group’s revised retail analogue for interoffice transport. The change was adopted in New York and Massachusetts in December 2000.

The New York/Massachusetts metrics with the revised analog were not part of the record herein. We note, however, that the FCC found that the revised retail analog, as used in New York and Massachusetts, appears to be more appropriate and represents a better indicator of whether Verizon is providing the same quality of service to CLECs as to its own customers for transport.³⁵⁸ Additionally, there will be further proceedings in

³⁵⁷ See C2C Aggregate Reports.

³⁵⁸ Verizon MA 271 Order at ¶¶ 209-10.

Pennsylvania on metrics and remedies with a recommendation due to us by September 30, 2001. We believe that this further proceeding is the appropriate forum in which to sort out the question of the metrics and the analog. Consistent with other FCC determinations, such express plans on the part of a state commission to further review a component of a checklist item are not construed against the BOC in its quest for 271 approval.

5. Conclusion

Based upon the evidence in the record, we conclude that Verizon PA has demonstrated compliance with this checklist item.

G. Checklist item 6 -Unbundled Local Switching

1. Description of Checklist Item

Section 271(c)(2)(B)(vi) requires a BOC to provide “[l]ocal switching unbundled from transport, local loop transmission, or other services.”³⁵⁹ In the Local Competition First Report and Order, the FCC required BOCs to provide unbundled local switching that included line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch.³⁶⁰ The features, functions, and capabilities include the basic switching function as well as the same basic capabilities that are available to the BOC customers.³⁶¹

³⁵⁹ 47 U.S.C. §271(c)(2)(B)(vi).

³⁶⁰ Local Competition First Report and Order at ¶ 412.

³⁶¹ Id.

2. Standard of Review

Unbundled local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.³⁶² In the Local Competition First Report and Order, the FCC held that BOCs must permit CLECs to purchase unbundled switching in a manner that permits competing carriers to offer, and bill for, exchange access and the termination of local traffic.³⁶³ Additionally, the BOC must demonstrate that it offers equivalent access to billing information for this checklist item. (See billing discussion herein.)

In previous section 271 orders, the FCC held that a BOC must make available trunk ports on a shared basis and routing tables resident in the BOC's switch, as necessary to provide access to the shared transport functionality.³⁶⁴ Lastly, a BOC may not limit a CLEC's ability to use unbundled local switching to provide exchange access by requiring CLECs to purchase a dedicated trunk from an IXC's point of presence to a dedicated trunk port on the local switch.³⁶⁵ Therefore, to satisfy its obligation under this subsection, an applicant must demonstrate compliance with these requirements on unbundled local switching.³⁶⁶

3. Summary of Evidence before the PAPUC

a. Verizon PA

In its 271 compliance filing, Verizon PA states that it provides nondiscriminatory access to local switching, including the features, functions, and capabilities of the switch

³⁶² Id.

³⁶³ Local Competition First Report and Order at ¶ 363, fn. 772.

³⁶⁴ See Ameritech Michigan 271 Order at ¶¶ 327-28; Second BellSouth Louisiana 271 Order at ¶ 209.

³⁶⁵ Id. at ¶¶ 323-26.

³⁶⁶ See BA NY 271 Order at ¶ 346; SWBT Texas 271 Order at 339 ¶; SWBT Kansas and Oklahoma 271 Order at ¶ 242.

through both its interconnection agreements and through Tariff No. 216.³⁶⁷ Specifically, Verizon PA provides: (1) line-side and trunk-side facilities; (2) basic switching functions; (3) shared trunk ports; (4) unbundled tandem switching; (5) vertical switch features; (6) customized routing; and (7) usage information for billing for exchange access.³⁶⁸ Verizon PA provisions CLEC orders using the same facilities, equipment, and personnel as used for Verizon PA's retail orders.³⁶⁹ Furthermore, Verizon PA makes available all the switching features and functionality it currently uses for its own services.³⁷⁰

Verizon PA provides local switching in each of its central offices and provides a cross-connect between a line or trunk port and a CLEC's collocation arrangement. Additionally, Verizon PA offers access to tandem switching³⁷¹ at each tandem switch and provides a cross-connect between a trunk port and a CLEC's collocation arrangement.³⁷² Moreover, Verizon PA makes eight types of line ports generally available in interconnection agreements or its 216 Tariff.

As of October 2000, there were 18 CLECs using Verizon PA's UNE switching arrangements.³⁷³ Through the end of October 2000, Verizon PA had provided 53,980 local switching ports on a line-side basis as part of UNE-P combinations that include a

³⁶⁷ Cklist Dec. at ¶ 256.

³⁶⁸ Id.

³⁶⁹ Id. at ¶ 272.

³⁷⁰ Id. at ¶ 259.

³⁷¹ Tandem switching consists of dedicated tandem trunk ports, shared tandem trunk ports, features, and tandem usage and group routings.

³⁷² Id. at ¶ 257.

³⁷³ Id. at ¶ 269.

UNE loop. Of these, 5,886 were for business service and 48,094 were for residential customers.³⁷⁴

According to Verizon PA, local switching may be combined with shared transport, enabling a CLEC to route its traffic over Verizon PA's network in the same way that Verizon PA routes traffic for its own retail customers.³⁷⁵ In addition, Verizon PA will also provide local switching, upon request, using customized routing by class-of-call, for example, operator services and directory assistance.³⁷⁶

Verizon PA provides CLECs with the combination of UNEs including access to the Verizon PA switches known as UNE-platform ("UNE-P") which is available under interconnection agreements and in Verizon PA's Tariff No. 216.³⁷⁷ Verizon PA will also combine "loopless" unbundled local switching with other UNEs or Verizon PA services, including shared or dedicated interoffice transport, shared tandem switching, SS7 signaling, and access to E911.³⁷⁸

Verizon PA has developed the network design request ("NDR") process to facilitate the development and implementation of CLEC requests for Verizon PA provided routing. The NDR is used to set up the CLECs network and routing plans within Verizon PA's network. Through this process, a CLEC can request standardized routing and blocking options and dialing plans, mirroring the Verizon PA routing, blocking, and dialing plans. Alternatively, a CLEC can request its own customized plans.³⁷⁹

³⁷⁴ Id. at ¶ 273.

³⁷⁵ Id. at ¶ 261.

³⁷⁶ Id.

³⁷⁷ Id. at ¶¶ 262-263.

³⁷⁸ Id. at ¶ 264.

³⁷⁹ Id. at ¶¶ 266-267.

NDR completion intervals are typically 45 business days, including the loading of OS/DA branding tapes and loading CLEC-specific rates. NDR completion intervals for arrangements including customized routing are negotiated depending on the complexity and scope of the request. CLECs that purchase Verizon PA's OS/DA platform in connection with unbundled switching may choose from three branding options: (1) Verizon PA branding; (2) no branding; or (3) a CLEC's own branding. Regardless of the branding option chosen, CLECs can establish their own rates for these services, or they can adopt Verizon PA's retail rate schedule.³⁸⁰ As of October 2000, there were nine CLECs using Verizon PA's OS/DA branding, two CLECs using no branding, and seven CLECs using their own branding.³⁸¹

b. AT&T and MICW

AT&T and MCIW both argued that, despite the fact that the PAPUC's Global Order directed Verizon PA to offer two types of unbundled switching ports, Verizon PA had implemented UNE-P with only the most expensive type of switching port.³⁸² This is the full-featured switch port at a rate of \$2.67 per month instead of the less expensive port at a rate of \$1.90 per month.

Verizon PA states that when the compliance tariff to the Global Order was filed, two types of switching ports were offered but only the higher cost port price was offered with a UNE-P offering. Verizon PA asserts that this was in compliance with its reading of the Global Order.³⁸³ Verizon PA has stated that no complaint raising this issue was

³⁸⁰ Id. at ¶ 268.

³⁸¹ Id. at ¶ 269.

³⁸² AT&T 02/12/01 Comments at 4; MCIW 02/12/01 Comments at 45.

³⁸³ 2/26/01 Tr. at 182.

filed against the compliance tariff.³⁸⁴ Nevertheless, Verizon PA has reported that it has taken steps to offer the lower switching port rate with UNE-P in its tariff beginning in April 2001.³⁸⁵ Verizon PA issued an industry letter dated March 16, 2001, informing CLECs that a tariff offering the limited feature switch port with UNE-P at \$1.90 would become effective April 8, 2001.³⁸⁶

Additionally, MCIW alleges that Verizon PA should not be able to charge two minutes of local switching for every one minute of any intra-switch local call which is originated from (or terminated to) a CLEC UNE-P customer.³⁸⁷ MCIW points out that Verizon PA is not permitted to charge two minutes (*i.e.*, both origination and termination) for an intra-switch local call in New York.³⁸⁸

Verizon PA responds that whether a local call is intra-switch or inter-switch, there are call set-up charges for origination and termination.³⁸⁹ Verizon PA explains that a CLEC is charged for utilizing local switching minutes for the set-up (originating) end of the call and for utilizing local switching minutes on the terminating end because the capacity of the switch is being utilized when the call (phone) is answered.³⁹⁰ If the local call is intra-switch, it is line port to line port, and the two elements are just originating and terminating. If the local call is inter-switch, it is line port to trunk port to line port, and transport charges may also be included.³⁹¹ Verizon PA claims that on an intra-switch

³⁸⁴ Id.

³⁸⁵ Verizon PA Resp. to In-Hearing Data Req. 30.

³⁸⁶ Verizon PA Supp. Resp. to In-Hearing Data Req. 30.

³⁸⁷ MCIW 02/12/01 Comments at 45.

³⁸⁸ Id. at 46.

³⁸⁹ 2/26/01 Tr. at 212; Supp. Cklist Dec. at ¶ 147.

³⁹⁰ 2/26/01 Tr. at 212.

³⁹¹ Id. at 212-215.

call it is authorized to charge for the use of the originating line equipment and the terminating line equipment pursuant to the MFS-Phase III proceeding.³⁹² Verizon PA notes that every former Bell Atlantic jurisdiction, with the exception of New York State, permits the application of both charges.³⁹³ Nevertheless, Verizon PA has indicated that it has filed a new cost study in New York in support of its contention that it should be able to bill for both originating and terminating minutes on intra-switch calls.³⁹⁴

d. CAPA

CAPA states that the FCC mandated all ILECS to provide a 70-coding on private payphone lines so that long distances calls on those lines can be identified and the payphone providers can be compensated for those calls, referred to as FLEX-ANI.³⁹⁵ Verizon PA is charging a fee to payphone service providers so as to recover its costs for upgrading its switches to provide FLEX-ANI.³⁹⁶ CAPA states that Verizon PA does not provide the coding necessary for dial around compensation on an UNE-P line, nevertheless, it does work for Verizon PA's retail service.³⁹⁷ Consequently, this prevents any CLEC offering payphone service on UNE-P from being compensated for its service in Pennsylvania.³⁹⁸

³⁹² Verizon PA 04/18/01 Comments at 42; Supp. Cklist Dec. at ¶¶ 148-149.

³⁹³ Verizon PA 04/18/01 Comments at 42.

³⁹⁴ 2/26/01 Tr. at 215.

³⁹⁵ 2/26/01 Tr. at 158; see also Report and Order, Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128; Order on Reconsideration, Implementation of Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128.

³⁹⁶ Id. at 159.

³⁹⁷ Id. at 160.

³⁹⁸ Id. at 161.

Verizon PA states that the FLEX-ANI feature with the UNE-P lines conflicts with some of the software in its switches, specifically the Lucent 5ESS switch.³⁹⁹ Verizon PA indicated that it would place a software patch in the switch to fix the problem.⁴⁰⁰ Verizon PA explained that the 70-coding works for its retail service because the translations in the switch are different for various types of services (i.e. PBX, Centrex).⁴⁰¹

4. Discussion

We are not persuaded by the comments of CAPA, MCIW, or AT&T that Verizon PA fails to comply with this checklist item. We note that Verizon PA has taken measured steps to address each of the parties complaints regarding its compliance with unbundled local switching.

First, in April 2001, Verizon PA amended its No. 216 Tariff and began offering the lower-priced switch port as an UNE-P offering. Second, we find that MCIW's claim of Verizon PA double billing for an intraswitch local call does not warrant a conclusion that Verizon PA has failed to comply with this checklist item. Verizon PA has offered evidence in the form of a cost study which verifies its billing strategy. This same cost study was offered by Verizon PA in the MFS-Phase III proceeding and the PAPUC approved the cost study. In fact, 12 out of 13 states in the Verizon Communications' footprint have permitted this billing strategy. Finally, Verizon PA has completed implementing the software upgrade to its switches which would instruct the switch to process the 70-coding and allow UNE-P payphone providers to be compensated for their calls.

³⁹⁹ Id. at 199.

⁴⁰⁰ Id. at 200; Verizon PA Resp. to In-Hearing Data Req. 28.

⁴⁰¹ 2/26/01 Tr. at 204.

5. Conclusion

Based upon the evidence in the record, we conclude that Verizon PA has demonstrated compliance with this checklist item.

H. Checklist Item 7 -- 911, E-911, Directory Assistance, Operator Calls

1. Description of Checklist Item

Section 271(c)(2)(B)(vii)(I) requires a BOC to provide “nondiscriminatory access to... 911 and E911 services.”⁴⁰² Also, section 271 (c)(2)(B)(vii)(II) & (III) requires a BOC to provide nondiscriminatory access to “directory assistance services to allow the other carrier’s customers to obtain telephone numbers” and “operator call completion services.”⁴⁰³

2. Standard of Review

In previous section 271 orders, the FCC has found that a BOC must provide CLECs access to its 911 and enhanced 911 (“E-911”) services in the same manner that a BOC obtains such access (i.e., at parity). Specifically, the BOC must maintain the 911-database entries for CLECs with the same accuracy and reliability that it maintains this database for its own customers.⁴⁰⁴ Also, the FCC has concluded that a BOC must be in compliance with the rules implementing §251(b)(3) in order to satisfy the requirements of this part of the checklist item.⁴⁰⁵

The FCC defines Operator Services (“OS”) and Directory Assistance (“DA”) as follows: “Operator Services are any automatic or live assistance to a consumer to arrange

⁴⁰² 47 U.S.C. §271(c) (2) (B) (vii) (I).

⁴⁰³ Id.

⁴⁰⁴ BA NY 271 Order at ¶ 349; SWBT Texas 271 Order at ¶ 344.

for billing or completion, or both of a telephone call” and “Directory Assistance is a service that allows subscribers to retrieve telephone number of other subscribers.”⁴⁰⁶ The FCC also held that “nondiscriminatory access to directory assistance and directory listings” means “the customers of all telecommunications service providers should be able to access each LEC’s [DA] service and obtain a directory listing on a nondiscriminatory basis...”⁴⁰⁷

Furthermore, the FCC states that competing carriers may provide OS and DA by either reselling the BOC’s services or by using their own personnel and facilities to provide these services. The FCC notes that its rules require BOCs to permit CLECs wishing to resell the BOC’s OS/DA to request the BOC to brand their calls, and that competing carriers wishing to provide OS/DA using their own facilities and personnel must be able to obtain directory listings either by obtaining directory information on a “read only” or “per dip” basis from the BOC’s DA database, or by creating a database by subscriber listing information in the BOC’s database.⁴⁰⁸ Moreover, although the FCC originally concluded that BOCs must provide OS/DA on an unbundled basis pursuant to sections 251 and 252 of TA-96, the FCC removed OS/DA from the list of required unbundled network elements in its UNE Remand Order. In the same order, the FCC imposed specific conditions on this modification of its earlier position. The FCC stated that if the incumbent LECs do not have accommodated technologies used for customized routing, it should offer OS/DA as a UNE.⁴⁰⁹

⁴⁰⁵ Id. at ¶ 352; citing Second Bell South Louisiana 271 Order; SWBT Texas 271 Order at ¶ 346.

⁴⁰⁶ BA NY 271 Order at ¶ 352 n. 1093.

⁴⁰⁷ SWBT Texas 271 Order at ¶ 346, citing In Re: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 98-68, Second Report and Order and Memorandum Opinion and Order, FCC 96-333 (August 8, 1996) (“Local Competition Second Order and Report”) at ¶¶ 130-135.

⁴⁰⁸ Id.

⁴⁰⁹ UNE Remand Order at ¶¶ 442-464.

The FCC also stated that checklist items that do not fall within a BOC's UNE obligations still must be provided in accordance with §§ 201(b) and 202(a), which require that rates and conditions are just and reasonable, and not unreasonably discriminatory.⁴¹⁰

3. Summary of the Evidence Before PAPUC

a. Issue 1 – 911 and E911 Access

(1) Verizon PA's Position

Verizon PA offers E911 interconnection to CLECs under existing interconnection agreements and tariff (Pa. PUC No. 216) service to other telephone companies.⁴¹¹ CLECs using their own switching may interconnect with Verizon PA's 911 tandems using their own trunks or trunks provided by Verizon PA or another carrier. The 911 service provided by Verizon PA include trunking, routing and features that enable these entities to provide 911 services.⁴¹² Calls received by Verizon PA's 911 tandems are routed to the appropriate PSAPs on a first-come, first-served basis, without regard to service provider.⁴¹³

According to Verizon PA, there are three ways CLECs can use Verizon PA's network to provide 911/E911 service to their customers. First, a reseller may resell Verizon PA's retail exchange service.⁴¹⁴ Second, a CLEC purchasing Verizon PA's unbundled local switching may use Verizon PA- furnished dialtone to provide 911/E911. Third, a CLEC that uses its own switch may interconnect with Verizon PA's network.

⁴¹⁰ SWBT Texas 271 Order at ¶ 348, citing UNE Remand Order at ¶¶ 441-442.

⁴¹¹ Verizon PA Dec. at ¶ 276; Verizon Pa Att. 202.

⁴¹² Verizon PA Dec. at ¶¶ 280-281.

⁴¹³ Id. at ¶¶ 282 & 284.

⁴¹⁴ Id. at ¶ 278.

With these arrangements, CLEC customers are able to dial 911 to reach an emergency service provider in the same manner as Verizon PA's end user customers. The 911 calls by customers of resellers and CLECs using Verizon PA's local switching are treated in the same manner as 911 calls by Verizon PA's end-users.⁴¹⁵

Where Basic 911 has been implemented, CLECs using their own switching may interconnect with Verizon PA's network and deliver their customers' 911 calls to the Verizon PA network, directing each call to a PSAP.⁴¹⁶ Where E911 has been implemented, CLECs using their own switching may interconnect at Verizon PA's 911 tandems using their own trunks or trunks provided by Verizon PA or another carrier.⁴¹⁷

Verizon PA is providing interconnection to CLECs at each of its E911 tandems. As of October 2000, 27 CLECs had interconnected to Verizon PA's E911 tandems and Verizon PA provided over 1,100 E911 trunks to those CLECs.⁴¹⁸ The same dedicated trunks are used to carry 911 calls by both Verizon PA and CLEC end-users from the 911 tandem to the PSAP on a first-come, first-served basis.

(2) Competitors' Positions

No CLECs dispute Verizon PA's compliance with the portion of Checklist item 7.

b. Issue 2 - DA & OC Completion Services

(1) Verizon PA

Verizon PA claims that it provides nondiscriminatory access to its operator call completion services ("OCC") or otherwise called as "Operator Services" ("OS") to

⁴¹⁵ Id. at ¶¶ 278-279.

⁴¹⁶ Id. at ¶ 280.

⁴¹⁷ Id. at ¶ 281.

CLECs pursuant to both interconnection agreements and Tariff No. 216.⁴¹⁹ Specifically, Verizon PA makes OS/DA services available to CLECs by the following means:

1) CLEC resellers may resell Verizon PA's retail service; 2) CLECs can purchase Verizon PA's DA service pursuant to interconnection agreement and tariff, and Verizon PA will provide DA service directly to CLEC customers; 3) CLECs can establish their own centers to provide DA service to their customers, and use Verizon PA's DA database pursuant to interconnection agreement and its tariff.⁴²⁰

CLECs purchasing Verizon PA's DA service that use their own switches or Verizon PA's unbundled local switching, may interconnect directly with Verizon PA's DA platform using their own facilities or dedicated transport facilities purchased from Verizon PA or another carrier.⁴²¹ CLECs that use Verizon PA's unbundled local switching may also interconnect directly with Verizon PA's DA platform using shared transport facilities purchased from Verizon PA.⁴²² As of October 31, 2000, 17 CLECs were purchasing Verizon PA's DA service and interconnecting using approximately 1,100 dedicated trunk ports and transmission facilities provided by Verizon PA.⁴²³ An additional 82 CLECs and resellers were purchasing Verizon PA's DA service and interconnecting using Verizon PA's shared transport.⁴²⁴

CLECs that resell Verizon PA's retail services have the option of purchasing Verizon PA's DA service, or using their own or another carrier's DA centers.⁴²⁵ If a

⁴¹⁸ Id. at ¶ 283.

⁴¹⁹ Verizon PA Dec. ¶¶ 302–309.

⁴²⁰ Id. at ¶ 302.

⁴²¹ Id. at ¶ 304.

⁴²² Id.

⁴²³ Id. at ¶ 294.

⁴²⁴ Id.

⁴²⁵ Id. at ¶ 295.

reseller chooses to use its own or another carrier's DA center, the reseller must establish customized routing and dedicated trunk ports and transmission facilities between Verizon PA's switches and the DA provider's platform. CLECs may install their own transmission facilities, or obtain them from Verizon PA or another carrier. As of October 31, 2000, no resellers were purchasing customized routing from Verizon PA.⁴²⁶

For CLECs that establish their own DA centers, Verizon PA offers nondiscriminatory access to its DA listings.⁴²⁷ Verizon PA offers Direct Access to Directory Assistance, a service that provides "read only" access to the listings in Verizon PA's DA database. Also, Verizon PA offers a Directory Assistance License Agreement, which makes the contents of Verizon PA's DA database available to CLECs in an electronic format for their use in providing local DA services.⁴²⁸

Verizon PA states that it provides nondiscriminatory access to its DA services.⁴²⁹ Verizon PA provisions, maintains and repairs DA trunks for CLECs using the same facilities, equipment and personnel that Verizon PA uses for its own DA trunks. CLEC DA trunks are provisioned in the same manner that Verizon PA provisions all other CLEC trunks.⁴³⁰

Verizon PA also declares that DA calls from customers of CLECs that use Verizon PA's DA service are handled on a nondiscriminatory basis.⁴³¹ Service performance results for November 2000 show an average speed of answer at Verizon

⁴²⁶ Id.

⁴²⁷ Id. at ¶ 298.

⁴²⁸ Id. at ¶ 298-299.

⁴²⁹ Id. at ¶ 300.

⁴³⁰ Id.

⁴³¹ Id. at ¶ 301.

PA's centers of 5.4 seconds for customers of Verizon PA and CLECs choosing the Verizon PA brand, and 0.1 second for customers of CLECs choosing carrier-specific branding or unbranded DA service.⁴³²

According to Verizon PA, OCC calls from customers of CLECs that use Verizon PA's OCC service are handled on a nondiscriminatory basis.⁴³³ Service performance results for November 2000 show an average speed of answer at Verizon PA's retail service centers of 2.5 seconds for customers of Verizon PA and CLECs choosing the Verizon PA brand, and 0.4 seconds for customers of CLECs choosing carrier-specific branding or unbranded OCC service.⁴³⁴

(2) Competitors' Positions

MCIW has an existing interconnection agreement with Verizon PA that provides for OS/DA with UNE-P. Nevertheless, MCIW argues that the availability of OS/DA with UNE-P at appropriate rates will not survive expiration of the agreement because, but for the interconnection agreement, Verizon PA's position is that it does not have a legal obligation to unbundle OS/DA with UNE-P.⁴³⁵ MCIW counters that Verizon PA must provide OS/DA as an UNE at TELRIC rates⁴³⁶ since it does not offer customized routing that allows MCIW to use Feature Group D signaling.

ATX, a CLEC in Pennsylvania, has claimed that Verizon PA must offer unbundled access to OS/DA at TELRIC rates. According to ATX, Verizon PA currently requires a dedicated trunk for ATX customers in every single Verizon PA end office

⁴³² Id.

⁴³³ Id. at ¶ 303.

⁴³⁴ Id. at ¶ 309.

⁴³⁵ MCI MCIW 4/18/01 Brief at 11.

⁴³⁶ MCI MCIW 2/12/01 Comments at 14.

purely for the purpose of providing third-party DA, and not allowing ATX to take advantage of or utilize shared transport to carry DA service from end offices where ATX has no dedicated facilities.⁴³⁷

(2) Verizon PA's Response

In response to competitors positions set forth in this evaluation, Verizon PA claims that in Massachusetts and New York, it offers customized routing using dedicated transport, where the FCC has granted long distance relief.⁴³⁸ Verizon PA claims that since it offers customized routing, it is not required to offer unbundled access to OS/DA.⁴³⁹

Verizon PA also states that it is willing to use the Bona Fide Request ("BFR") process to consider alternatives to its customizing routing offering.⁴⁴⁰ The BFR process allows the parties to work collaboratively to develop an offering that meets the customer's needs. Verizon PA also states that, if a new product offering results from that process, Verizon PA will make it available to other carriers on a nondiscriminatory basis.⁴⁴¹

4. Discussion

We note that MCIW and ATX provide no evidence regarding any provisioning problems with OS/DA and that Verizon PA offers OS/DA to CLECs under its existing interconnection agreements. The PAPUC has clearly directed in its Global Order⁴⁴² that

⁴³⁷ ATX 2/12/01 Comments at 23.

⁴³⁸ Verizon PA 4/18/01 Final Comments at 43.

⁴³⁹ Id.

⁴⁴⁰ Id. at 44.

⁴⁴¹ Id.

Verizon PA cannot unilaterally refuse to stop providing the UNEs it agreed to provide in its contracts. The PAPUC also stated that it has no intention of permitting Verizon PA to unilaterally open up contracts and create additional uncertainty that will stall any progress in developing an open local market.⁴⁴³

Further, consistent with the FCC requirements, the PAPUC in its Order Re: Further Pricing of Verizon Pennsylvania Inc.'s Unbundled Network Elements at Docket No. R-00005261, *et al*, found that, inasmuch as Verizon PA does not accommodate technologies which would allow CLECs to utilize Verizon PA's customized routing, it should offer OS/DA as an unbundled network element. This decision complies with the FCC's requirement that incumbent LECs offer OS/DA as an UNE, to the extent they have not accommodated technologies used for customized routing.

We find that Verizon PA currently offers OS/DA services to MCIW under its existing interconnection agreement that provides for OS/DA with UNE-P, the terms of which would have to be renegotiated at the expiration of the agreement. In addition, we also note that Verizon PA currently offers OS/DA using Modified Operator Service Signaling protocol for customized routing which is not compatible with MCIW's preferred Feature Group D signaling protocol. As such, the PAPUC in the above Order required Verizon PA to offer OS/DA as a UNE until such time when it develops technical solutions which allows it to provide customized routing, via a compatible signaling. Consequently, Verizon PA is required to file tariff revisions to its Tariff 216 in order to reinstate its offering of OS/DA as a UNE in Pennsylvania. Finally, for the five metrics associated with Checklist item 7, we note that Verizon PA met the standard 100% of the time throughout the commercial availability period.

⁴⁴² Global Order at Docket Nos. P-00991648 & P-00991649 at 68.

⁴⁴³ Id.

5. Conclusion

Based upon the uncontested evidence in the record, we conclude that Verizon PA is providing nondiscriminatory access to 911 and E911 and has successfully demonstrated to us its compliance with this portion of Checklist item 7. Based upon the record, we also find that Verizon PA provides nondiscriminatory access to its directory assistance and operator call completion services and thus, we verify compliance with this additional requirement of Checklist item 7. Moreover, as mentioned above, Verizon PA is required to offer OS/DA as a UNE until such time as it develops technical solutions which allows it to provide customized routing, via compatible signaling.

I. Checklist Item 8 -- White Pages

1. Description of the Checklist Item

Section 271(c)(2)(B)(viii) requires a BOC to provide “[w]hite pages directory listings for customers of the other carrier’s telephone exchange service.”⁴⁴⁴ According to the FCC’s Second Bell South Louisiana 271 Order, the term “white pages” refers to the local exchange directory that includes the residential and business listings of the customers of the local exchange provider and this term includes, at a minimum, the subscriber’s name, address, telephone number, or any combination thereof.⁴⁴⁵

2. Standard of Review

In its Texas decision, the FCC articulated that a BOC must provide white pages directory listings for customers of the other carriers’ telephone exchange service.⁴⁴⁶ Section 251(b)(3) of TA 96 obligates all LECs to permit competitive providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory listings.⁴⁴⁷ Also, the FCC found that a BOC satisfies the requirements of Checklist item 8 by demonstrating that it (1) provided nondiscriminatory appearance and integration of white page directory listings to CLEC’s customers; and (2) provided white page listings for competitors’ customers with the same accuracy and reliability that it provides its own customers. The FCC rejected the allegations that the BOC did not meet this checklist item in Texas although CLECs experienced problems with the BOC’s processes for altering customer listings and incorporating changes into the white pages

⁴⁴⁴ 47 U.S.C. § 271(c)(2)(B)(viii).

⁴⁴⁵ BA NY 271 Order at ¶¶ 357-359, citing Second BellSouth LA 271 Order, 13 FCC Rcd at 20748.

⁴⁴⁶ SWBT TX 271 Order, at ¶¶ 352-354.

⁴⁴⁷ Id. at ¶ 352.

directory including listings failing to appear.⁴⁴⁸ Also, parties expressed concern that the BOC's performance measurements failed to capture the problems that companies report.

The FCC concluded that there was no evidence to support that the difficulties some competing carriers may have encountered with the BOC's processes for altering white pages listings reflect systemic defects within the BOC's white pages directory listings procedures. The FCC agreed with the parties that irregularities involving the white pages are a very serious matter because customers may tend to blame the new competitor, rather than the familiar incumbent, for mistakes. The FCC also noted that, if there is a systemic problem involving a significant number of listings, it would warrant a finding of noncompliance.⁴⁴⁹

In its New York decision, the FCC found that the BOC satisfied the requirements of Checklist item 8 because the company demonstrated that it was providing white pages directory listings for customers of CLECs that are nondiscriminatory in appearance and integration and have the same accuracy and reliability that Bell Atlantic provides for its own customers.⁴⁵⁰

3. Summary of Evidence Before PAPUC

a. Verizon PA

Verizon PA asserts that it provides nondiscriminatory appearance of white pages directory listings in the appropriate white pages directories for customers served by CLECs. Verizon PA also states that it provides CLEC customers in Pennsylvania with

⁴⁴⁸ Id. at ¶ 356.

⁴⁴⁹ Id. at ¶ 358.

⁴⁵⁰ BA NY 271 Order at ¶¶ 357-358.

white pages directory listings in accordance with the FCC's rules and section 271 (c)(2)(B)(viii) of TA-96. Verizon PA claims it has procedures in place to ensure that the directory listings of CLEC customers are included in Verizon PA's database on an accurate, reliable, and nondiscriminatory basis.⁴⁵¹

Verizon PA performs four types of activities with respect to CLEC and resellers customers' white page listings: (1) leave the customer's listing "as is" (unchanged) when a customer changes from Verizon PA to a CLEC; (2) add a listing; (3) delete a listing; and (4) modify a listing.⁴⁵² Verizon PA has procedures and controls for each of these activities which delineates the type of service ordered as well as whether a carrier is a reseller, facilities-based or a CLEC using UNE-P.⁴⁵³ Verizon PA states that it publishes 108 directories in Pennsylvania, containing 4.9 million listings.⁴⁵⁴ Verizon PA also states that approximately 514,400 listings are CLEC and reseller listings which represents about 10.49% of total listings.⁴⁵⁵

Verizon PA states that, during its initial testing, KPMG Consulting found that human error and a computer problem caused customers to be listed incorrectly in or omitted from Verizon PA's white pages directories and DA databases. Verizon PA claims that it has addressed the problems raised by KPMG Consulting by instituting a programming fix and by putting in place a Directory Listing Quality Assurance team, which reviews LSRs daily to ensure that listings are appropriately placed in the DA database and published directory. Verizon PA also states that when KPMG Consulting

⁴⁵¹ Cklist Dec. at ¶ 314.

⁴⁵² Id. at ¶ 317.

⁴⁵³ Id. Dec. at ¶¶ 318-321.

⁴⁵⁴ 3/1/01 Tr. at 69-74.

⁴⁵⁵ Id.; Cklist Dec. at ¶ 311.

retested Verizon PA's procedures several months later, it found that over 98% of its test orders were correctly provisioned in Verizon PA's D/A database.⁴⁵⁶

The process for the directory white pages listing information starts with the specific information filled in by a CLEC on the LSR. Less than 50% of the LSRs flow through to completion without human intervention. The critical determination of whether the order can flow through is whether it is a complex order or a simple POTS with six lines or less.⁴⁵⁷

If the order receives manual treatment, the order goes to the Telecom Industry Services Operations Center ("TISOC") which manually types the LSR as a service order into the service order processor ("SOP/DOE").⁴⁵⁸ Also, the Verizon Information Service ("VIS") provides a listing verification report ("LVR") at least 30 days before the closing date for the directory to the CLEC.⁴⁵⁹ Verizon PA states that, if corrections are needed to white pages listings, these changes are verified and sent again through the TISOC where they are handled manually.⁴⁶⁰

Verizon PA claims that it complies with this checklist item although two CLECs, XO and CTSI, have presented information to the contrary.⁴⁶¹ Verizon PA admits that its analysis of the CLECs listing errors that were raised in the technical conferences showed

⁴⁵⁶ Cklist Dec. at ¶ 323.

⁴⁵⁷ OSBA 4/18/01 Brief at 10; 3/01/01 Tr. at 33-36; 3/21/01 Tr. at 144-49; 4/26/01 Tr. at 320-23 (Verizon PA states that, for resale orders, only 45% of the orders flow through automatically. For UNE orders, Verizon PA states only 53% flow through requiring no manual intervention.)

⁴⁵⁸ Id.

⁴⁵⁹ Cklist Dec. at ¶ 326.

⁴⁶⁰ 3/1/01 Tr. at 40-44.

⁴⁶¹ Verizon PA 4/18/01 Comments at 44.

that roughly half were Verizon PA errors and the CLECs caused half.⁴⁶² However, Verizon PA states that XO and CTSI directory listing errors are not nearly as widespread as these CLECs would have the PAPUC believe, nor are the errors always the responsibility of Verizon PA. Verizon PA cites to KPMG Consulting's review of 156 listings in the directory listing database and the determination of a 98% accuracy rate.⁴⁶³ Also, Verizon PA states that errors in CLEC listings are compounded by XO's and CTSI's practice of circumventing the established directory listings corrections process and going directly to VIS.⁴⁶⁴

Verizon PA also admits that XO, OCA, OSBA and OTS have raised a valid concern whether it is necessary on a "loop/LNP" or "LNP" order for the TISOC to reestablish a directory listing for customers migrating from Verizon PA. In other words, Verizon PA does not dispute that directory listings are dropped when a customer migrates to a CLEC and that the listing must be reestablished by the CLEC. Verizon PA further admits that reestablishing a directory listing information currently requires a retyping of the listing -- be it typing by CLEC personnel or typing by Verizon PA's TISOC personnel -- creates opportunities of error.⁴⁶⁵

To reduce the opportunity for typographical errors being introduced on orders that are processed manually by TISOC personnel, Verizon PA offers to modify its SOP/DOE service order system to enable TISOC employees processing a "loop/LNP" or "LNP-only," where the end-user's listing(s) is to remain "as is," to automatically generate a service order that will contain the customer's directory listing information from the customer service record. Verizon PA is scheduling the software modification to

⁴⁶² Verizon PA Exh. 8 & 9; Verizon PA 4/18/01 Comments at 45; 3/21/01 Tr. at 93, 117.

⁴⁶³ Verizon PA 4/18/01 Comments at 45; 4/26/01 Tr. at 337.

⁴⁶⁴ Id. at 46; 3/21/01 Tr. at 56-7, 87.

⁴⁶⁵ Verizon PA 4/18/01 Comments at 47.